

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Arthur Ashman

Application No.: 10/789,442

Confirmation No.: 5006

Filed: February 26, 2004

Art Unit: 1711

For: **CROSSLINKABLE POLYMERIC MATERIALS
AND THEIR APPLICATIONS**

Examiner: S. W. Berman

Declaration of Dr. Arthur Ashman under 37 C.F.R. § 1.132

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, ARTHUR ASHMAN, do hereby declare and state the following:

1. I, Arthur Ashman, am a citizen of the United States, and I am more than twenty-one years of age.

2. I make this declaration in support of the above-identified application, U.S. Serial No. 10/789,442 ("the '442 application").

3. I am a named inventor of the '442 application.

4. I presently hold the position of Chief Executive Officer at Bioplant R&D, LLC and President at A. Enterprises Inc.

5. My qualifications as a scientist, and in particular in the field of dentistry and bone replacement, are set forth on the copy of my curriculum vitae, which is attached as Exhibit L.

6. I have read and am familiar with the specification of the '442 application as filed, the Office Action mailed March 7, 2007, U.S. Patent 6,933,328 to Schacht (the

Schacht Patent) U.S. Patent 5,837,752 to Shastri (the '752 patent) and U.S. Patent 5,902,599 to Anseth (the '599 patent).

7. Through my own efforts and efforts made on my behalf, Bioplant R&D, LLC or its predecessor company, Bioplant, Inc. initiated three studies using Bioplant materials and Bioplant materials combined with other materials.

8. The first study was done by Dr. Huys at Ghent University in cooperation with Dr. Etienne Schacht (i.e., the Huys study). The materials used in this study were Bioplant HTR® and polymers developed by Dr. Etienne Schacht and described in the Schacht Patent.

9. Dr. Huys provided the samples for the studies, which he told me he obtained directly from Dr. Schacht. Dr. Schacht informed me that the materials as provided for the study by Dr. Huys were the materials as claimed in the patent application later issuing as U.S. Patent 6,933,328.

10. Results from the Huys study were provided to me in the form of a study proposal, ongoing notes from the experiments, and histology data. I have provided this data to Dr. Robert S. Langer for his review.

11. The second study was done by Dr. MaryAnn Brooks and Dr. Raymond Yukna at Louisiana State University (LSU) in collaboration with Dr. Kristi Anseth (i.e., the Brooks study). The materials used in this study were Bioplant HTR® and light-hardened (only) polymers developed by Dr. Anseth and Dr. Prasad Shastri (co-inventors on the '599 patent) and described in the '752 and '599 patents.

12. Results from the Brooks study were provided to me in the form of a study proposal, ongoing notes from the experiments, histology data and a Masters Thesis written by Dr. Brooks. I have provided this data to Dr. Robert S. Langer for his review.

13. After the Brooks study, at my request, Dr. Shastri modified the curable composition to be both chemically and light hardened, thereby reducing the curing time to less than one minute to reduce morbidity.

14. The third study was done by Dr. Raymond Yukna and Dr. MaryAnn Brooks at Louisiana State University (LSU) (i.e., the Yukna study). The materials used in this study were Bioplant HTR® and polymers developed by Dr. Anseth and Dr. Shastri and described in the '752 and '599 patents.

15. Results from the Yukna study were provided to me in the form of a study proposal, ongoing notes from the experiments, and histology data. They were also written up in a continuation-in-part application 11/240,747 (U.S. 2006/005247). I have provided this data to Dr. Robert S. Langer for his review.

16. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true. I further declare that these statements are made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the instant application or of any patent issued thereupon.

Respectfully submitted,

Dr. Arthur Ashman



Date

7/5/07